REMARKS

This submission under 37 C.F.R. 1.114 accompanies Applicants' Request for Continued Examination (RCE) and is in supplemental response to the final Office Action mailed June 2, 2005. By this response, claims 1, 2, 11, 14, 16, 25 and 27 are amended. Claims 10, 15 and 23 are canceled. No new matter has been added.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §103

Claims 1-7, 9-20 and 22-29

The Examiner has rejected claims 1-7, 9-20 and 22-29 under 35 U.S.C. §103(a) as being unpatentable over Klemets et al. (US230010013068A1, hereinafter "Klemets") in view of Towell et al. (US006647411B2, hereinafter "Towell") and in further view of the Examiners' Official Notice. Applicants respectfully traverse the rejection.

Applicants' independent claim 1 (similarly claims 14 and 27) recites:

> 1. Method for preprocessing content for a stream caching server in an interactive information distribution system, said method comprising:
> downloading an applet to a first subscriber terminal from a http server;
> retrieving content in said first subscriber terminal;
> transcoding said retrieved content into a plurality of MPEG packets;
> uploading said transcoded content to said http server coupled to an access network;

encapsulating said transcoded content in accordance to an Internet Protocol (IP) format supported by said stream caching server; and

transmitting said encapsulated content for storage in said stream caching server, wherein said IP formatted content is retrieved from said streaming cache server in response to a request for content from a second subscriber terminal coupled to another type of access network, and is streamed via a distribution network and said another type of access network to said second subscriber terminal.

The present invention as claimed is directed towards using a downloaded applet for transcoding, uploading transcoded MPEG packets from a subscriber terminal to an access network and encapsulating those packets into IP packets for transmitting and storing at the server system wherein the second subscriber is located at an access network of different format.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Klemets and Towell references alone or in combination fail to teach or suggest Applicants' invention as a whole.

In particular, none of the references alone or in combination disclose, teach or suggest "downloading an applet" and the second subscriber located on another type of access network.

The Klemets reference is directed towards the production of interleaved multimedia stream. The production station captures may provide an analog video stream, which is converted to digital video stream and may be compressed (See Fig. 5). It does not disclose teach or suggest "encapsulating said transcoded content in accordance to an Internet Protocol (IP) supported by said stream caching server." Specifically, Klemets does not disclose, teach or suggest encapsulating a plurality of MPEG packets into IP packets. Klemets discloses that the capture module will format

the digitized video stream into a format suitable for transmission on the network 290, i.e. POTS modem, ISDN or Ethernet (See page 3, [0046]). Klemets is silent on using a downloaded applet and streaming to a second terminal on a different access network.

Furthermore, the Towell reference fails to bridge the substantial gap. In particular, the Towell reference is directed towards a secure cached subscription system. A content provider speculatively downloads information into the caching device based on user's data. Viewing data may be uploaded, but no content is uploaded to the caching server. It is silent on using applet as claimed and different access networks. Therefore, it does not disclose, teach or suggest using applet from an http server and the second terminal located on a different access network.

There is no motivation to combine. Even if the references could somehow be operably combined, the combination would merely disclose uploading the content to a content provider, and streaming the uploaded content to another subscriber station. Nowhere in the combined references is there any teaching or suggestion of "using applets from the http server coupled to an access network," and "streaming the encapsulated content to another different access network having different format." That is, Applicants' invention first downloads an applet from the http server, the applet performs transcoding on the content, then uploads the transcoded content to an http server, encapsulates the transcoded content in accordance with an internet protocol format supported by the stream caching server, then transmits the encapsulated content to the caching server for storage, and streams the content to a requesting server located on a different access network. These elements are not taught or suggested by the cited references. Therefore, the combination of Klemets, the Examiner's Official Notice, and Towell fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claims 1, 14, and 27 are not obvious and fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 2-7, 9-13, 15-20, 22-26 and 28-29 depend directly or indirectly from independent claims 1 and 14 and 27 and recite additional features thereof. As such and for at least the same reasons as discussed above, Applicants submit that these dependent claims are not obvious and fully satisfy the requirements

of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully submit that the Examiner's rejection of claims 1-7, 9-20 and 22-29 should be withdrawn.

Claims 8, 21 and 30

The Examiner has rejected claims 8, 21 and 30 under 35 U.S.C. §103(a) as being unpatentable over Klemets in view of Towell as applied to claims 1-7, 9-20 and 22-29 above, and further in view of Mimura et al. (US006557031B1, hereinafter "Mimura"). Applicants respectfully traverse the rejection.

As discussed above, the Klemets and Towell references and the Examiner's Official Notice alone or in combination fail to teach or suggest Applicants' invention as a whole, as disclosed and claimed in Applicants independent claims 1, 14, and 27. Furthermore, the Mimura reference fails to bridge the substantial gap between the Klemets and Towell references and the Examiner's Official Notice, and Applicants' invention. In particular, the Mimura reference discloses RTP could be included in IP packets. Therefore, MPEG video could be transmitted over the Internet.

Even if the references could somehow be operably combined, the combination would merely disclose encoding content stored at a production station, encapsulating the MPEG packets within an RTP packet of an IP packet, and sending such IP packets and encoded content to a stream server. Nowhere is there any teaching or suggestion in the combined references of using downloaded applet to allow transcoded content to be streamed to a requesting terminal as claimed. Therefore, the combined references fail to teach or suggest Applicants' invention as a whole.

Therefore, for at least the reasons discussed above with respect to Applicants' independent claims 1, 14 and 27, Applicants submit that claims 8, 21 and 30 which depend directly or indirectly from Applicants' independent claims 1, 14 and 27 are patentable under 35 U.S.C. §103 over Klemets in view of Towell and further in view of Mimura. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

OFFICIAL NOTICES

The Examiner takes numerous Official Notices in the Office Action. For example, see page 8 of the present Office Action. Applicant hereby traverses each

Official Notice. The Examiner alleges that apparatuses and/or methods recited in certain claims are well known in the art. However, the Applicant believes that these apparatuses and/or methods rejected by the Examiner using Official Notice may not be well know within the specific art of the present invention as recited in the pending claims. For example, just because MPEG is well known does not imply it would be obvious to be included in the references as asserted by the Examiner. Therefore, the allegedly well known limitations are not well known to be used in combination with other limitations of the claims in which they are found or in claims from which they depend.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are not anticipated, non-obvious and patentable under the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at 732-530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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E J Wall

Eamon J. Wall
Registration No. 39,414
Attorney for Applicant

MOSER, PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808